

FILED

SEP 27 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON GODOY VARGAS,

Petitioner,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 07-71555

Agency No. A75-511-377

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 10, 2007***

Before: PREGERSON, THOMAS and RAWLINSON, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

The court notes that although not raised by the parties, it appears from the record that petitioner is prima facie eligible for a stay of removal and employment authorization pursuant to the "Family Unity" provisions of the statute. *See* Immigration Act of 1990, Pub. L. No. 101-649, Section 301, 101 Stat. 4798; *Garcia-Quintero v. Gonzales*, 455 F.3d 1006, 1009 (9th Cir. 2006). Petitioner may file Form I-817, Application for Family Unity Benefits, along with the appropriate fee and documentation in order to establish his eligibility for the Family Unity Program. *See* 8 C.R.F. § 236.14.

PETITION FOR REVIEW DENIED.